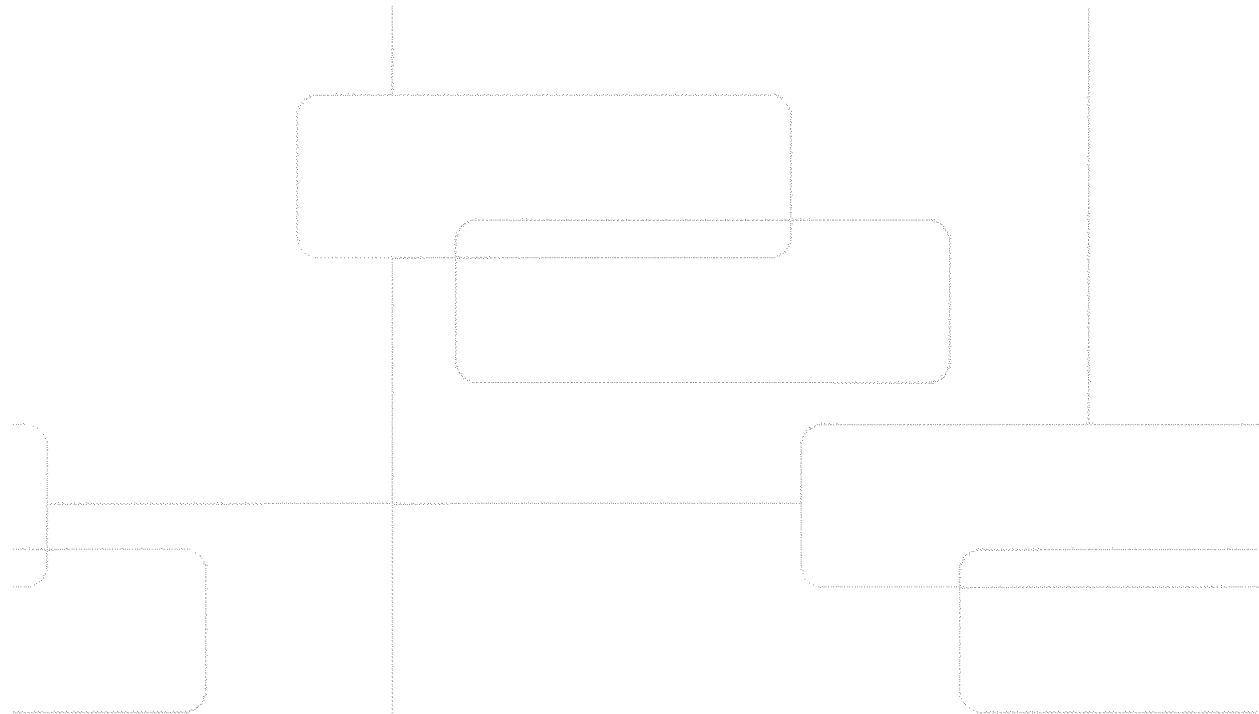


**To:** Simon, Paul[Simon.Paul@epa.gov]; Meyer, George[Meyer.George@epa.gov]; Nurkin, Gary[Nurkin.Gary@epa.gov]  
**From:** Grossman, Lenny  
**Sent:** Thur 5/9/2013 9:33:54 PM  
**Subject:** FW: Response to AES comments on EPA's assessment of Agremax  
1994 Dye&Pigment Proposal-Listing Policy.pdf  
ColFallsAlumFormatted.DOC



**From:** Helms, Greg  
**Sent:** Thursday, May 09, 2013 4:10 PM  
**To:** Grossman, Lenny  
**Subject:** RE: Response to AES comments on EPA's assessment of Agremax

Lenny-

Thanks for sending the comments on the draft response. As you know, some of the comments are small clarifying edits, which are easy to make, while one or two others are a bit more substantive.

Paul Simon seemed to have a number of concerns about footnote 3, and whether it is sufficient to support the statement it references. In writing the paper I tried to pull out the most summarized quotation from the 1994 FRN. To lend it more support, I am attaching the full FR discussion of this issue, which encompasses pages 66073-66078 of the Dec. 22, 1994 FRN. I will also go back to the CCR rule proposal to see what we said more recently about risks we would regulate under RCRA. I can also look for more examples in drinking water regulations if that would help.

I am also attaching a copy of the Columbia Falls Aluminum Co., et al. v. EPA court ruling. This case specifically addresses the appropriateness of using a particular leach test to assess leaching under particular conditions. I referenced it in my draft reply only because AES used it as part of their argument.

Any thoughts you have on his comment 4 about more fully presenting the purpose of the study would be welcome.

Mark Maddaloni had fewer comments. I will take another look at the issues he raises in his comments 3 and 5.

Thanks.

---

Gregory Helms  
U.S. EPA  
Acting Chief, Waste Characterization Branch  
Office of Solid Waste and Emergency Response  
phone: 703-308-8845  
fax: 703-308-0514  
[helms.greg@epa.gov](mailto:helms.greg@epa.gov)

Address for regular/USPS mail:  
1200 Pennsylvania Ave. NW  
Mail Code 5304P  
Washington, DC 20460

Address for overnight/hand delivery mail:  
Two Potomac Yard  
2733 S. Crystal Dr.  
5th Floor; N-5611  
Arlington, VA 22202

See OSWER's new LEAF leach test methods at:

[http://epa.gov/wastes/hazard/testmethods/sw846/new\\_meth.htm](http://epa.gov/wastes/hazard/testmethods/sw846/new_meth.htm)

For an overview of hazardous waste regulation see the RCRA Orientation Manual, at:

[www.epa.gov/epawaste/inforesources/pubs/orientat/](http://www.epa.gov/epawaste/inforesources/pubs/orientat/)

**From:** Grossman, Lenny

**Sent:** Wednesday, May 01, 2013 2:49 PM

**To:** Helms, Greg

**Cc:** Meyer, George; Simon, Paul; Sawyer, William; Nurkin, Gary

**Subject:** Response to AES comments on EPA's assessment of Agremax

Greg,

As indicated, attached are comments from Paul Simon. Please note that these, as well as the comments from Mark Maddaloni that I previously sent, are confidential.

Best regards,

Len